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UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA

PROGRESSIVE CASUALTY INSURANCE
 COMPANY,

Plaintiff,

vs.

ZURICH-AMERICAN INSURANCE
 COMPANY, HARJIT SINGH dba HARRY
 BROS. TRUCKING, RELIABLE
 TRUCKING, INC., DENNIS MATEO and
 JoANN MATEO,

Defendants.

Case No.: C-06-01930-JCS

**SIXTH STIPULATION EXTENDING
 DEFENDANTS' TIME TO RESPOND TO
 PLAINTIFF'S COMPLAINT; REQUEST
 TO EXTEND DEADLINE TO MEET AND
 CONFER RE: INITIAL DISCLOSURES,
 ADR PROCESS SELECTION, AND
 DISCOVERY PLAN AND TO FILE
 JOINT ADR CERTIFICATION; ORDER
 THEREON**

Civil Local Rules 6-1(a)

Plaintiff, Progressive Casualty Insurance Company (hereinafter, "Progressive"), by and through its counsel of record, Richard W. Osman of Bertrand, Fox & Elliot, and defendant ZURICH-AMERICAN INSURANCE COMPANY ("Zurich"), by and through its counsel of record Mark Koop of Lewis Brisbois Bisgaard & Smith, LLP, and defendant RELIABLE TRUCKING, INC. ("Reliable") by and through its counsel of record David S. Henningsen, of ROBINSON & WOOD, INC. hereby agree and stipulate as follows:

SIXTH STIPULATION EXTENDING DEFENDANTS' TIME TO RESPOND TO PLAINTIFF'S COMPLAINT; REQUEST TO EXTEND DEADLINE TO MEET AND CONFER RE: INITIAL DISCLOSURES, ADR PROCESS SELECTION, AND DISCOVERY PLAN AND TO FILE JOINT ADR CERTIFICATION

1 Plaintiff filed its complaint on March 14, 2006. Defendant Zurich was served on April
2 21, 2006. Defendant Reliable was served on April 20, 2006. The parties acting by and through
3 their attorneys have stipulated four times that defendant Zurich's and Reliable's time to respond
4 to the complaint be extended, most recently to June 29, 2006, while the settlement in the
5 underlying matter is completed and a dismissal is filed.
6

7 The present action arises out of a coverage dispute that arose in Alameda County
8 Superior Court Case No. RG04183951, entitled *Mateo v. Singh*. That matter was recently settled
9 and the coverage dispute between Progressive and Zurich was also recently settled. The latter
10 settlement is contingent upon dismissal of *Mateo v. Singh*. As of the date of this stipulation, all
11 settlement funds have been tendered by Progressive and Zurich. Progressive's retained defense
12 counsel confirmed that plaintiffs' counsel received said funds and deposited the funds in his trust
13 account on or before June 23, 2006, but that plaintiff's counsel is waiting for the check to clear
14 before he dismisses *Mateo v. Singh*.
15
16

17 On July 5, 2006, coverage counsel for Zurich, Mark Koop, received correspondence from
18 Reliable's retained defense counsel, Robinson & Wood, informing him that they had not yet
19 received a dismissal of the *Mateo v. Singh* matter, but that plaintiffs' counsel indicated that he
20 hopes to have the matter resolved by July 7, 2006. Plaintiff's counsel further indicated that he
21 presently awaits final negotiation of the settlement draft, which due to a bank hold policy has not
22 yet occurred. Progressive intends to voluntarily dismiss the present action pursuant to FRCP
23 Rule 41 immediately after the *Mateo v. Singh* matter is dismissed, which now will likely be on
24 July 10, 2006.
25

26 In order to permit time for the dismissal of *Mateo v. Singh* to be filed, the parties hereby
27 stipulate for a sixth time that defendants will file and serve their responsive pleadings by July 14,
28 2006.

1 This sixth stipulation will affect the June 30, 2006 deadline to meet and confer re: initial
2 disclosures, early settlement, ADR process selection, and discovery plan, and to file the Joint
3 ADR Certification with Stipulation to ADR, pursuant to FR Civ. P 26(f), ADR L.R. 3-5 and
4 Civil L.R. 16-8, which deadline the parties have already requested be extended to July 7, 2006.
5

6 The parties therefore request that the Court order that the June 30, 2006 deadline be
7 extended to July 14, 2006, to allow time for the *Mateo v. Singh* dismissal to be filed so that the
8 present matter can be voluntarily dismissed.

9 SO STIPULATED.

10 Dated: July 7, 2006

BERTRAND, FOX & ELLIOT

11 By: _____
12 Richard W. Osman
13 Attorney for Plaintiff PROGRESSIVE
14 CASUALTY INSURANCE COMPANY
15

16 Dated: July ____, 2006

LEWIS BRISBOIS BISGAARD & SMITH, LLP

17 By: _____
18 Mark Koop
19 Attorney for Defendant ZURICH
20 AMERICAN INSURANCE COMPANY

21 Dated: July 7, 2006

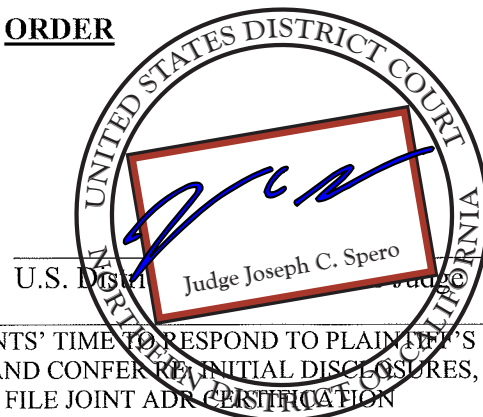
ROBINSON & WOOD

22 By: _____
23 David S. Henningsen
24 Attorney for RELIABLE TRUCKING

25 **ORDER**

26 IT IS SO ORDERED.

27
28 Dated: July 10, 2006



SIXTH STIPULATION EXTENDING DEFENDANTS' TIME TO RESPOND TO PLAINTIFF'S COMPLAINT;
REQUEST TO EXTEND DEADLINE TO MEET AND CONFER RE INITIAL DISCLOSURES, ADR PROCESS
SELECTION, AND DISCOVERY PLAN AND TO FILE JOINT ADR CERTIFICATION